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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,087	07/24/2003	Logan D. Coffey		3141

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EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,087

Applicant(s)

COFFEY, LOGAN D.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>12072004</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07242003</u> . | 6) <input type="checkbox"/> Other: ____.   |

## **DETAILED ACTION**

### ***Election/Restriction***

Applicant's election without traverse of Group I in the telephone interview noted on the attached Interview Summary is acknowledged.

Claims 9-16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in the telephone interview noted on the attached Interview Summary. Applicant is reminded to affirm the election in the next written response to this Office Action.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the use of the term "means" (line 16). Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8, 17 and 18 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Pommier (US 5758589).

Pommier (figures 4, 8) teaches a sewable snap fastener constructed of resilient material for receiving stitches from a sewing process where a needle in the sewing process penetrates portions the sewable snap fastener, the sewable snap fastener provided for detachably fastening together two opposing pieces of material, the sewable snap fastener comprising: a socket member 6 adapted for sewed attachment to a first piece of material, said socket member comprising a socket portion defining a receiving cavity and a cavity lip leading into the receiving cavity, said socket member further comprising an integrally formed socket flange that extends outward from the socket portion to define a sewing region having a surface provided to receive stitches for stitching the socket member to the first piece of material, and a back surface disposed adjacent the first piece of material, wherein the stitch penetrations through the sewing region of the socket flange are produced from the sewing process; an opposing stud member 5 adapted for sewed attachment to a second piece of material, said stud member comprising a stud portion defining a projecting outer lip configured for engagement with the socket portion of the socket member so that the first and second pieces of material can be detachably joined, said stud member further comprising an integrally formed stud flange that extends outward from the stud portion to define a sewing region having a surface provided to receive stitches for stitching the stud member to the second piece of material, and a back surface disposed adjacent the second piece of material, wherein the stitch penetrations through the sewing region of the stud flange are produced from the sewing process; and channeling means for reducing the build up of unwanted

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debris within the sewable snap fastener in the form of a receiving cavity that extends from the cavity lip, through the socket portion of the socket member to the back surface of the socket member to allow debris to be channeled between the back surface of the socket member and the first piece of material. There is a single row of stitches to each side of the socket member and they are inherently orientable so as to be vertically oriented and thereby meet the capability of claim 8. In regard to claim 18, the socket member and stud member of Pommier are monolithically formed integrally from resilient material.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pommier (US 5758589) in view of Gwinn (US 702724).

Pommier (figures 4, 8) teaches a sewable snap fastener constructed of resilient material for receiving stitches from a sewing process where a needle in the sewing process penetrates portions the sewable snap fastener, the sewable snap fastener provided for detachably fastening together two opposing pieces of material, the sewable snap fastener comprising: a socket member 6 adapted for sewed attachment to a first piece of material, said socket member comprising a socket portion defining a receiving cavity and a cavity lip leading into the receiving cavity, said socket member further comprising an integrally formed socket flange that extends outward from the socket portion to define a sewing region having a surface provided to receive

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stitches for stitching the socket member to the first piece of material, and a back surface disposed adjacent the first piece of material, wherein the stitch penetrations through the sewing region of the socket flange are produced from the sewing process; an opposing stud member 5 adapted for sewed attachment to a second piece of material, said stud member comprising a stud portion defining a projecting outer lip configured for engagement with the socket portion of the socket member so that the first and second pieces of material can be detachably joined, said stud member further comprising an integrally formed stud flange that extends outward from the stud portion to define a sewing region having a surface provided to receive stitches for stitching the stud member to the second piece of material, and a back surface disposed adjacent the second piece of material, wherein the stitch penetrations through the sewing region of the stud flange are produced from the sewing process; and channeling means for reducing the build up of unwanted debris within the sewable snap fastener in the form of a receiving cavity that extends from the cavity lip, through the socket portion of the socket member to the back surface of the socket member to allow debris to be channeled between the back surface of the socket member and the first piece of material. The difference is that the channeling means does not extend through the stud portion. However, Gwinn (figure 6) teaches resilient fastener structure including a channel extending through the stud member in a similar fashion to the channel extending through the socket member of Pommier so as to inherently permit the passage of debris. As it would be beneficial to have the channeling of debris to take place for the stud of the snap fastener of Pommier, too, it would have been obvious to modify the snap fastener of Pommier as suggested by Gwinn that has the channel extending through the stud so as to have the channeling of debris take place through the stud member.

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Claims 4-6 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pommier (US 5758589) in view of Carr (US 1524637).

Pommier (figures 4, 8) teaches a sewable snap fastener constructed of resilient material for receiving stitches from a sewing process where a needle in the sewing process penetrates portions the sewable snap fastener, the sewable snap fastener provided for detachably fastening together two opposing pieces of material, the sewable snap fastener comprising: a socket member 6 adapted for sewed attachment to a first piece of material, said socket member comprising a socket portion defining a receiving cavity and a cavity lip leading into the receiving cavity, said socket member further comprising an integrally formed socket flange that extends outward from the socket portion to define a sewing region having a surface provided to receive stitches for stitching the socket member to the first piece of material, and a back surface disposed adjacent the first piece of material, wherein the stitch penetrations through the sewing region of the socket flange are produced from the sewing process; an opposing stud member 5 adapted for sewed attachment to a second piece of material, said stud member comprising a stud portion defining a projecting outer lip configured for engagement with the socket portion of the socket member so that the first and second pieces of material can be detachably joined, said stud member further comprising an integrally formed stud flange that extends outward from the stud portion to define a sewing region having a surface provided to receive stitches for stitching the stud member to the second piece of material, and a back surface disposed adjacent the second piece of material, wherein the stitch penetrations through the sewing region of the stud flange are produced from the sewing process; and channeling means for reducing the build up of unwanted debris within the sewable snap fastener in the form of a receiving cavity that extends from the

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cavity lip, through the socket portion of the socket member to the back surface of the socket member to allow debris to be channeled between the back surface of the socket member and the first piece of material. The difference is that stud member fails to have a compression slot.

However, Carr (figures 1-4) teaches that the use of a compression slot 20, 21 in a stud member is well known to enhance the resilience of the stud member. As the enhancement of the resilience of the stud member of the snap fastener of Pommier would be desirable to reduce the insertion force, it would have been obvious to modify the stud member of Pommier to have such structure in view of Carr suggesting such structure to make the stud more resilient. As to claims 5 and 6, Carr suggests the use of channels extending between the stud and socket members that would inherently permit the passage of debris and is the equivalent of applicant's structure since openings are utilized.

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pommier (US 5758589) in view of Fenton (US 3169292).

Pommier (figures 4, 8) teaches a sewable snap fastener constructed of resilient material for receiving stitches from a sewing process where a needle in the sewing process penetrates portions the sewable snap fastener, the sewable snap fastener provided for detachably fastening together two opposing pieces of material, the sewable snap fastener comprising: a socket member 6 adapted for sewed attachment to a first piece of material, said socket member comprising a socket portion defining a receiving cavity and a cavity lip leading into the receiving cavity, said socket member further comprising an integrally formed socket flange that extends outward from the socket portion to define a sewing region having a surface provided to receive stitches for stitching the socket member to the first piece of material, and a back surface disposed



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adjacent the first piece of material, wherein the stitch penetrations through the sewing region of the socket flange are produced from the sewing process; an opposing stud member 5 adapted for sewed attachment to a second piece of material, said stud member comprising a stud portion defining a projecting outer lip configured for engagement with the socket portion of the socket member so that the first and second pieces of material can be detachably joined, said stud member further comprising an integrally formed stud flange that extends outward from the stud portion to define a sewing region having a surface provided to receive stitches for stitching the stud member to the second piece of material, and a back surface disposed adjacent the second piece of material, wherein the stitch penetrations through the sewing region of the stud flange are produced from the sewing process; and channeling means for reducing the build up of unwanted debris within the sewable snap fastener in the form of a receiving cavity that extends from the cavity lip, through the socket portion of the socket member to the back surface of the socket member to allow debris to be channeled between the back surface of the socket member and the first piece of material. The difference is that a counter bore does not the cavity lip. However, Fenton (figures 1, 3) teaches socket member structure where the cavity lip 19 is formed by a counter bore that extends through the socket portion from the back surface of the socket flange so as to have more positive engagement. As more positive engagement of the stud member with the socket member of the device of Pommier would be desirable, it would have been obvious to modify the snap fastener of Pommier as taught by Fenton so as to enhance the engagement of the stud and socket members.

### *Conclusion*

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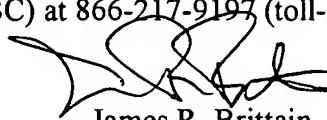
The patents of Carr (US 1337118, figures 1-6), Daddona, Jr. et al. (US 3545048, figure 1), Anscher (US 5604958, figure 7), Fildan (US 6793556, figures 1-10), Cousins (US 4183121, figures 8-10) and Lauro (US 3426400, figure 1) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222.

The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB